

## II. Rejections

### A. *Rejection under 35 U.S.C. § 112, first paragraph*

Claims 31-39 were rejected under 35 U.S.C. § 112, first paragraph. The Examiner asserts that the specification is not enabling for a transgenic mouse comprising any type of sulfotransferase protein, and a method of making said mouse using the methods recited in the pending claims. Applicants respectfully traverse this rejection. However, for the purposes of expediting prosecution of the instant application, claims 31-39 have been cancelled. Therefore, the Examiner's rejection under 35 U.S.C. § 112, first paragraph, of claims 31-39 is no longer relevant, and Applicants respectfully request withdrawal of the rejection.

Applicants have added new claims 40-51, and submit that new claims 40-51 are fully enabled by the teachings of the instant specification under the requirements of the first paragraph of 35 U.S.C. § 112.

### B. *Rejection under 35 U.S.C. § 103*

Claims 26-30 were rejected by the Examiner under 35 U.S.C. § 103 (a) as being unpatentable over Mansour *et al.*, 1998, *Nature*, 336(24):348-352 ("Mansour") in view of Kong *et al.*, 1993, *Biochimica et Biophysica Acta* 1171:315-318 ("Kong"). Applicants respectfully traverse this rejection. However, for the sole purpose of advancing prosecution, Applicants have cancelled claims 26-30.

As the obviousness rejection is no longer relevant as result of the cancellation of claims 26-30, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103 (a). Applicants submit that claims 40-51 are not obvious in view of the teachings of Mansour and Kong.

In re Application Serial No: 09/816,790 of Allen *et al.*

It is believed that the claims are in condition for allowance, and notice to that effect is respectfully requested. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1271 under Order No. R-855.

Respectfully submitted,

Date: 2/24/03

Kelly L. Quast  
Kelly L. Quast Reg. No. 52,141

Deltagen, Inc.  
740 Bay Road  
Redwood City, CA 94063  
(650) 569-5100